

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARK KRANTZ and WILLIAM DUNNE,)		
on behalf of themselves and other persons)		
similarly situated, known and unknown,)		
)		
Plaintiffs,)		Case No. 1:14-cv-00998
)		
v.)		Judge Shadur
)		
D T & C GLOBAL MANAGEMENT LLC)		
d/b/a TOWN & COUNTRY LIMOUSINE,)		
TOWN & COUNTRY LIMOUSINE, INC.,)		
and JOHN JANSEN, individually,)		
)		
Defendants.)		

**PLAINTIFFS' MOTION FOR CLASS CERTIFICATION OF THEIR ILLINOIS
MINIMUM WAGE LAW CLAIM**

Plaintiffs Mark Krantz and William Dunne are filing this motion prior to Defendants' answer under guidance from our Court of Appeals in *Damasco v. Clearwire Corp.*, 662 F.3d 891 (7th Cir. 2011), in order to avoid a mootness issue that may result from a tender to the Named Plaintiffs. *Id.* at 896. Pursuant to *Damasco*, Plaintiffs ask that this motion be entered and continued and they be allowed to conduct necessary class discovery to support this motion. *Id.* In support of this Motion, Plaintiffs state as follows:

1. This lawsuit arises under the Fair Labor Standards Act, 29 U.S.C. §201, *et seq.* (FLSA, or the "Act"), and the Illinois Minimum Wage Law (IMWL), 820 ILCS 105/1, *et seq.*, for Defendants' failure to pay Plaintiffs and other similarly-situated current and former employees overtime pay. Plaintiffs also allege that Defendants violated the Illinois Wage Payment and Collection Act, 820 ILC S115/9, by taking unauthorized deductions from Plaintiffs' and other similarly situated persons' wages. Plaintiffs' FLSA claims are pleaded as proposed

collective action claims. Plaintiffs' IMWL and IWPCA claims are pleaded as proposed class action claims under Fed. R. Civ. P. 23.

2. Plaintiffs and proposed IMWL class members were employed as drivers for Defendants' corporate ground transportation business in the prior three (3) years and were not paid overtime wages.

3. Plaintiffs and proposed IWPCA class members were employed as drivers for Defendants' corporate ground transportation business in the prior ten (10) years and were subject to Defendants' practice of taking unauthorized deductions from their wages.

4. Plaintiffs and other class members are similarly-situated to one another because, among other things, they are or were subject to the following common policies and practices:

- (a) Defendants paid Plaintiffs and similarly-situated employees their regular rate of pay for all hours they worked, including overtime hours.
- (b) Defendants regularly made deductions from Plaintiffs' and similarly situated employees' compensation (i) to pay traffic citations and (ii) to pay for vehicle damage.

5. Plaintiffs are filing this motion prior to Defendants' answer under guidance from our Court of Appeals in *Damasco v. Clearwire Corp.*, 662 F.3d 891 (7th Cir. 2011), in order to avoid a mootness issue that may result from a tender to the Named Plaintiffs. *Id.* at 896.

6. Pursuant to *Damasco*, Plaintiffs ask that this motion be entered and continued in order that they be able to conduct necessary class discovery to support this motion. *Id.*

WHEREFORE, for the foregoing reasons, Plaintiffs request that the Court:

- A. Enter and continue this motion and enter an order allowing expedited limited class certification discovery;

- B. Set a schedule for Plaintiffs to file supplemental evidentiary materials and a supporting memorandum of law;
- C. Such other relief as the Court deems appropriate under the circumstances.

Dated: March 19, 2014

Respectfully submitted,

s/Douglas M. Werman
One of the Attorneys for Plaintiffs

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